

LOCAL BANKRUPTCY FORM 2016-2(b)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Mai T. Nguyen
aka Mai Nguyen
aka Mai Thanh Nguyen

: CHAPTER 13
:
: CASE NO. 1 - 15 -bk- 00929 RNO
:
:
:
:
: Debtor(s)

**APPLICATION OF ATTORNEY FOR CHAPTER 13 DEBTOR
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

(Name of applicant) James P. Sheppard, Esquire applies for approval of compensation as Chapter 13 Debtor(s)' counsel and for reimbursement of expenses pursuant to 11 U.S.C. § 330 as follows:

1. Applicant is counsel for Debtor(s).
2. Debtor(s) filed a petition for bankruptcy relief on March 11, 2015 (date).
3. Applicant previously filed a Disclosure of Compensation of Attorney for Debtor(s) pursuant to Fed. R. Bankr. P. 2016(b), which is attached as Exhibit "A" to this Application.
4. Debtor(s) and Applicant have executed a Rights and Responsibilities Agreement and a copy of the Agreement was provided to Debtor(s).
5. This Application is interim (state whether an interim or a final application).
6. (Check all applicable items)
 - ☒ a. Debtor(s)' Chapter 13 Plan was confirmed on 07/23/2015 (date).
 - ☐ b. The order approving the last post-confirmation modification of Debtor(s)' confirmed Chapter 13 plan was entered on _____ (date).
 - ☐ c. Debtor(s) have not confirmed a Plan.
7. The dates and amounts of previous compensation paid are:
 - a. as a retainer March 6, 2015 - \$450.00 (list dates and amounts);
 - b. paid by the Chapter 13 Trustee through a confirmed Plan 08/03/2015 - 03/09/2017 - \$3,550.00 (list dates and amounts);
 - c. other _____ (describe source, amount and date paid).

8. Compensation previously approved by the Court following the filing of an interim Application are: N/A

 (dates and amounts).

9. If Applicant has not agreed with Debtor(s) to accept the Presumptively Reasonable Fee ("PRF"), or is filing a supplemental fee application after confirmation of the Plan in addition to the PRF, Applicant requests compensation in the amount of \$ 4,762.50 and reimbursement of expenses in the amount of \$ 91.00 for the period of 08/01/2015 to 06/16/2017. A chronological listing of services performed and itemization of expenses for which reimbursement is requested for this time is attached as Exhibit "B" to this Application.

10. Legal services were provided by all professionals at the hourly rates set forth at the beginning of the chronological listing of services provided on Exhibit "B."

11. (Check one)



Debtor(s) have reviewed this Application prior to its filing and have approved the requested amounts.



Debtor(s) have reviewed this Application prior to its filing and have not approved the requested amounts.



Debtor(s) have not reviewed this Application prior to its filing.



Debtor(s) have not approved the requested amounts.

12. Objections are pending to the following prior fee applications: (list date application was filed and name of objector, if no objections pending state "none").
NONE

WHEREFORE, your Applicant respectfully requests this Honorable Court to approve the requested compensation in the amount of \$ 4,762.50 and reimbursement of expenses in the amount of \$ 91.00 pursuant to 11 U.S.C. § 330, and if this is a Final Fee Application, to determine that all prior interim orders are final.

Dated: 07/31/2017

/s/James P. Sheppard

Applicant's Signature

United States Bankruptcy Court
Middle District of Pennsylvania

IN RE:

Case No. _____

Nguyen, Mai T.

Chapter 13

Debtor(s)

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept \$ 4,000.00

Prior to the filing of this statement I have received \$ 450.00

Balance Due \$ 3,550.00

2. The source of the compensation paid to me was: ☒ Debtor ☐ Other (specify):
3. The source of compensation to be paid to me is: ☐ Debtor ☒ Other (specify): **balance through the Chapter 13 Plan**
4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.
☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.
5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
 - b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
 - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
 - d. ~~Representation of the debtor in adversary proceedings and other contested bankruptcy matters;~~
 - e. [Other provisions as needed]

See Paragraph 6 below with regard to the attorney time limit for necessary legal services.

6. By agreement with the debtor(s), the above disclosed fee does not include the following services:
Necessary attorney fees for services which are rendered after confirmation will be billed at a rate of \$250.00 per hour, plus costs expended.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

3/10/2015
Date

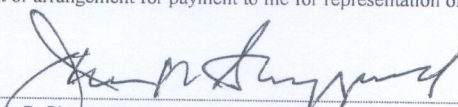

James P. Sheppard
James P. Sheppard, Esquire
2201 North Second Street
Harrisburg, PA 17110

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: Mai T. Nguyen aka Mai Nguyen aka Mai Thanh Nguyen Debtor	: : : : :	CHAPTER 13 BANKRUPTCY CASE NO. 1:15-bk-00929 RNO
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**APPLICATION FOR INTERIM COMPENSATION OF PROFESSIONALS
IN CHAPTER 13 CASE**

AND NOW, comes James P. Sheppard, Esquire, Attorney for Debtor, Mai T. Nguyen, and files the following Application for Interim Attorney Fees:

1. Applicant entered his appearance on behalf of Debtor when he filed her Chapter 13 Bankruptcy Petition on March 11, 2015.
2. Applicant agreed to the presumptively reasonable fee of \$4,000.00; plus \$250.00 per hour for all services necessary after confirmation, plus costs.
3. Applicant agreed to represent Debtor at a rate of \$250.00 per hour for necessary attorney services after confirmation; Applicant charges \$125.00 per hour for paralegal services.
4. Applicant (JPS) and Applicant's Paralegal (dab), provided the following post-confirmation services from July 23, 2015 through and including June 16, 2017.

<u>Date</u>	<u>Services Rendered</u>	<u>Hours</u>
07/23/15-JPS	Review Claim Issue with Mortgage Company and Telephone Phelan Firm, Detailed Message with Return Time	.10
07/24/15-JPS	Telephone Call from Phelan Firm, Discuss Issue, Resolve Claim Issue	.10
08/15/15-JPS	Review File, Put File in Order, Print Trustwin, Tickle for Quarterly Reviews	.10
08/28/15-JPS	Review Correspondence from Wells Fargo Mortgage, Mortgage Modification Papers Reviewed and Forwarded to Client, Draft Motion to Approve Mortgage Modification	.30
09/04/15-JPS	Dictate Letter to Wells Fargo Permitting them to Contact Client Re: Mortgage Modification	.10
09/04/15-dab	Prepare Letter, Copy Client, Fax Letter to Wells Fargo	.20
09/08/15-JPS	Telephone Call from Wells Fargo, Advise that there is a Trial Loan Modification Offer, Request Details	.10

EXHIBIT B

10/03/15-JPS	Review File, Review Trustwin, Case Looks Okay	.20
12/03/15-JPS	Review File, Review Trustwin, Wage Attachment Short, Arrearage Growing, Telephone Call to Client, No Response, Mark for Response and Possible Wage Attachment Change	.20
12/24/15-JPS	File Review, No Response from Client, Amend Wage Attachment Motion, Dictate Motion, Order, Service	.20
12/24/15-dab	Prepare Amended Motion to Wage Attachment, Prepare Amended Order, File, Prepare Letter to Employer	.50
12/28/15-dab	Receive Order Granting Modified Wage Attachment, Print Letter to Employer, and Send with Tickle for Future Review	.20
01/04/16-JPS	Annual File Review, Trustwin Review, File and Case Looks Okay	.20
01/15/16-JPS	Review Letter from Wells Fargo Mortgage, Assigning New Specialist and Requesting Whether Client Needs Mortgage Assistance, Review File, Review Trustwin, No Apparent Distress	.20
02/12/16-JPS	Review Home Preservation Correspondence from Wells Fargo, Time Sensitive, Forwarded to Client with Request to Contact if Needed	.10
02/19/16-JPS	Review Correspondence from Chase Mortgage, Mortgage Assistance Specialist Assigned, Request for Authorization Form, Copy to Client	.10
04/04/16-JPS	Quarterly File Review, Trustwin Pull, Review, No Arrearage, Payment Being Made, No Apparent Issues	.10
05/01/16-JPS	Review Mortgage Payment Change for Chase, Escrow Reduced, Client was Copied by Mortgage Company, Tickle For Quarterly Review	.10
06/17/16-JPS	Correspondence from Wells Fargo Mortgage, Question Re: Property Insurance, Review File, Telephone Call to Client, Tickle for Response, Note that Client was Copied on Letter	.10
06/17/16-JPS	Correspondence from Chase Mortgage Re: Mortgage Assistance Request, Previously Copied Client Re: This Matter, Tickle for July Review	.10
07/01/16-JPS	Quarterly Review, Review Trustwin, Review File, No Apparent Issues	.10
08/04/16-JPS	Review Email from Wells Fargo Mortgage, Proposed Loan Modification, Review Documents, Analyze Savings vs. Overall Payment, Telephone Call to Client, Review Trustwin, Review File	.70
08/05/16-JPS	Telephone Call with Client, Request to Fax Document with Terms to Her, Dictate Fax	.40
08/06/16-JPS	Telephone Call from Client, Doesn't Want Deal, Note to File	.10
08/12/16-JPS	A New Motion for Relief from Stay Filed by Chase Mortgage, Document Indicates that Client has not Paid Mortgage Since February and Has an Arrearage Overage \$5,900.00, Telephone Call to Client, Tickle	.30

08/15/16-JPS	Telephone Call from Client Discuss Arrearage, Client Advises that She has Been in Contact with Chase and that She is Going for a Mortgage Modification, Trustwin Review	.50
08/18/16-JPS	Receive and Review Supplemental Declaration in Support of Motion for Relief from Stay from Chase	.10
08/26/16-JPS	Review Letter from Chase Indicating that they had Received Client's Request for Mortgage Assistance and Modification, Review Pleading for Required Answer, Tickle for 08/30/16	.10
08/30/16-JPS	Dictate Answer to Motion of Chase Mortgage	.50
08/30/16-dab	Prepare Debtor's Answer to Motion, Certificate of Service, Order, File	.60
09/01/16-JPS	Review Letter from Chase Requesting Authorization to Contact, Telephone Call to Chase Advising that we Had Previously Provided Authorization	.10
09/09/16-JPS	Telephone Call from Josh Goldman, Chase Attorney, Discuss Mortgage Modification, Agreeable to Continuing Hearing Pending Results, He Will Request Continuance for Hearing Scheduled 09/13/16	.20
09/12/16-JPS	Review Trustwin, Higher Payment Kicking In, Okay, No Arrearage, Prepare Letter to Client Re: Necessity of Client Contacting Us so that we may Represent Her in Motions for Relief	.40
09/13/16-JPS	Court Off, Review Fax from Wells Fargo Re: Mortgage Loan	.20
09/22/16-JPS	Review Letter from Chase, No Contact from Client, Contact Client for Response Via Email	.20
09/22/16-JPS	Email from Client, Personal Issues, She is in California, Will be Back Sunday and Will Call at that Time	NC
09/23/16-JPS	Review Correspondence from KML Law Re: Chase Mortgage with Stipulation	.10
09/27/16-JPS	Prepare and Send Letter to Client Outlining What Needed to be Done	.10
09/27/16-dab	Prepare Letter to Client, Email Letter to Client	.20
09/29/16-JPS	Detailed Email from Client, Death in Family, No Inheritance, Back from California, She Indicates She is Approved for Workout Option with Wells Fargo with 3 Initial Trial Payments Coming Up, Chase She is in Middle of Negotiations, Please Forward Any Paperwork to her Attention so She Can Approve or Disapprove	.20
10/06/16-JPS	Dictate Letter to Chase Authorizing Contact and Negotiation of Loan Modification Faxed to Chase	.10
10/06/16-dab	Prepare Letter and Fax Letter to Chase	.10
10/16/16-JPS	Telephone Call with Josh Goldman, Settlement to be Filed Within 45 Days or Motion by Chase Will be Dismissed, Approved, Review Removal Request	.10
10/27/16-JPS	Motion to Relist Matter with Chase, Order Sets New Hearing on 11/22/16	.10

11/21/16-JPS	Notice that Puleo Will Appear for Chase Telephonically, Email from Puleo Indicating that Josh Goldman has left the Firm, Mortgage Arrearage is Over \$11,000.00, Review File for Attendance	.20
11/22/16-JPS	Attend Motion for Relief, Advise Court of Pending Mortgage Modification, Attorney Advises that Mortgage Modification was Denied, Advise that no Notice was Given of Denial and Request For Continuance Which Was Granted	.60
11/22/16-JPS	Dictate Letter to Client Re: Happenings, Advise Client it is Imperative that She Contact me Immediately	.20
11/22/16-dab	Prepare Letter to Client, Email and Fax to Client	.30
11/27/16-JPS	Review Loan Evaluation and Information from Chase, Which was Sent Directly to Client, Telephone Call to Client Requesting Contact	.20
12/01/16-JPS	Review 11/29/16 Email from Client, Send 11/30/16 Email to Client, Response from Client 12/01/16	.20
12/06/16-JPS	Review Mortgage Modification Sent by Client, Letter to Puleo at KML, Copy Him on the Trial Period Offer by his Client, Request that he Contact Me Re: the Court Hearing on the 13 th .	.40
12/06/16-dab	Prepare Letter to Puleo, Email to His Firm	.20
12/13/16-JPS	Court Appearance, Report to Judge that Modification had been Offered on a Trial Basis, Agreed that the Matter Should be Continued Until April to Allow for Trial Payments to be Made, Possibly Resolving the Matter	.70
01/11/17-JPS	Review Motion to Dismiss by Trustee, Pull and Review Trustwin, Arrearage Building, Telephone Call with Client, Prepare and Send Stipulation with Request to Return No Later Than January 18	.30
01/17/17-JPS	Sign Stipulation, Return to Office, Review and Tickle for Conference on 02/08/17	.10
01/26/17-JPS	Email from Client Re: Wells Fargo Modification, Heads Up That Package Will be Sent to our Office	.10
01/27/17-JPS	Mortgage Company Correspondence was Executed, Mortgage Modification Agreement, Debtor's Motion to Approve Necessary, Tickle for Further Review	.10
02/02/17-JPS	Dictate Debtor's Motion to Approve Loan Modification Agreement	.60
02/02/17-dab	Prepare Motion, Order, Certificate of Service, File and Serve	1.00
02/08/17-JPS	Attend Motion to Dismiss Conference, Deliver Stipulation to Trustee	.20
02/09/17-JPS	Forward Approved Stipulation with Instruction to Client by Letter	.20
03/08/17-JPS	Review Order Rescheduling Hearing on Motion for Relief	.10
03/20/17-JPS	Review Chase Mortgage Application Documents Copied on Client	.30
03/31/17-JPS	Review Letter from Wells Fargo Mortgage Letter, Client Also Noted	.10

04/04/17-JPS	Review Request for Continuance of Motion, Review Withdrawal of Request for Continuance, Review Request For Removal from Motion List, Review Order to Dismiss If Stipulation Not Filed	.10
04/26/17-JPS	Trustwin Review, Ok	.10
04/28/17-JPS	Review Mortgage Company Attorney Motion to Approve Mortgage Modification with Proposed Order Requiring Debtor to File an Amended Plan if Granted	.20
05/01/17-JPS	Order Granting Motion, Review	.10
05/24/17-JPS	Review Order Dismissing Motion for Relief	NC
06/02/17-JPS	Draft Amended Plan, Pull Trustwin, Pull Old Plan, Review Payments	.80
06/11/17-JPS	Pull Trustwin, Review Draft of Amended Plan, Adjust Numbers, Dictate 2 nd Amended Plan, Final Draft	.60
06/11/17-dab	Prepare Amended Plan, 1 st Draft and Final Draft, Prepare Order, Prepare Notice, Prepare Service, File and Serve	1.50
06/15/17-JPS	Review File, Trustwin Review, Review Billings and Time Records	1.00
06/15/17-dab	Prepare Initial Draft of Fee Application	.50
06/16/17-JPS	Review Run of Initial Fee Application Charges, Finish Fee Application	1.00
06/16/17-dab	Prepare Final Fee Application, Order, Notice, Other Documents, File and Serve	2.00

Hours

15.40 HOURS @ \$250.00 PER HOUR RATE

TOTAL ATTORNEY FEES

\$3,850.00

7.30 HOURS @ \$125.00 PER HOUR RATE

TOTAL PARALEGAL SERVICES

\$912.50

COSTS

\$91.00

BALANCE DUE

\$4,853.50

5. Applicant requests approval of fees totaling \$4,762.50 for services rendered from July 23, 2015 through June 16, 2017.
6. Applicant requests approval of costs for photocopying, postage, long distant toll calls, totaling \$91.00.

7. Applicant discussed with the Debtor the extent of the time and charges expended in this representation, and Debtor has not disputed the charges.

WHEREFORE, Applicant hereby requests this Honorable Court to approve the application for counsel fees of \$4,762.50, and expenses of \$91.00, for a total of \$4,853.50, incurred in this matter from July 23, 2015 through June 16, 2017, date of this Application.

DATE: June 16, 2017

Respectfully submitted,

/s/James P. Sheppard

JAMES P. SHEPPARD, ESQUIRE
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SUPREME COURT ID 34944

(ATTORNEY FOR DEBTOR)